

### III. REMARKS

#### Status of the Claims

Claims 2 and 3 are allowed. Claims 1, 4-6 are submitted for reconsideration in view of the following remarks.

The Examiner's attention is directed to Applicant's prior amendment, in which claim 2 was rewritten in independent form containing all of the limitations of the claims from which it was previously dependent. Claim 3 is dependent on the new independent claim 2. Applicant submits that claims 2 and 3 are allowed in accordance with the decision of the Board and the Examiner's statement of allowable subject matter.

Claims 1 and 4-6 stand rejected under 35USC102(e) on the basis of the cited reference Park, U.S. Patent No. 6,920,602. The Examiner is respectfully requested to reconsider his rejection in view of the following remarks.

This rejection is traversed on the following grounds:

The cited reference Park fails to disclose each and every limitation of the claims of this application. It is well settled that a claim is anticipated, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See CHISOLM, Federal Circuit Guide, Pg. 1221). In particular claim 1 as amended states:

**"said request message further indicating a certain set of desired Quality of Service parameters selected based on an expected use of said specific communication connection, to be associated with said requested specific communication connection,**

**allocating a channel coding and/or interleaving scheme for independent application to said specific communication connection based, at least in part, on said desired Quality of Service parameters;**

**communicating said allocated channel coding and/or interleaving scheme to the base station and the mobile terminal for them to independently apply said first channel coding and/or interleaving scheme for use in said specific communication connection."**

The reference Park, et al fails to disclose these features.

The newly cited reference Park does not disclose the procedure of requesting certain QoS parameters and making an allocation decision about the channel coding and interleaving on the basis of such information. Park assumes that both the transmitter and the receiver have previously stored look-up tables at their disposal, which look-up tables associate each set of possible QoS parameters with a frame length. The transmitter selects the frame length according to the QoS parameters, and transmits what Park calls the "message information" to the receiver. This "message information" is actually a list of QoS parameters, and transmits what Park calls the "message information" to the receiver. This "message information" is actually a list of QoS parameters, on the basis of which the receiver knows to take the appropriate frame length into account in reception.

The applicant's system leaves the network with the freedom to consider factors, other than the mobile device's request, and take them into account in making such decisions. Park's mapping is fixed, so that if the transmitting device decides to use a certain QoS and consequently a certain frame length, the receiving device has no choice, other than to comply.

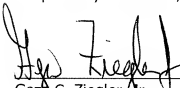
The reference Parks fails to disclose sending the QoS parameters in the request for connection. Although Parks calls for "message information" to be exchanged during a call setup phase, this is not the same as saying that it would be sent just in the initial request. The reference Parks fails to indicated that the QoS parameters communicated

during set up or any other time would be used to determine anything related to channel coding or interleaving. Consulting a fixed entry in a look-up table is not the same. In the system of Park the originator of a connection simply starts using the frame length that the QoS parameters dictate. Although the network can accept or reject a requested connection, it cannot determine the channel coding or interleaving scheme to be used based on the requested QoS, because it has already been selected by the originating device.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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15 June 2007  
Date

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